In his own opinion, the best way of preventing the waste of water was to appoint an Advisory Board or an Irrigation Panchayet in respect of each major tank or groups of tanks so that the members thereof would consider the quantity of the supply available, the extent of lands to be given the benefit of it and the best way of controlling the distribution.

THE FIRST MEMBER OF COUNCIL said that two years ago the same matter had come up for discussion and that some members had favoured distribution of water being vested in Engineering officers, though some others had favoured this work being entrusted to revenue officers. After a consideration of all aspects of the question, Government had ordered the present system. But whoever was in charge of distribution, it was necessary that officers of both the departments co-operated with each other. There was no reason to apprehend that Engineering officers would discharge their duty in a manner prejudicial to the interests of agriculturists. If, in any case, it was really so, there was absolutely nothing to prevent the aggrieved parties from preferring an appeal to the Deputy Commissioner and getting suitable remedy. He would therefore ask the members not to press for a change before the recent orders of Government had been fully tried.

MR. K. RAMANNA brought to notice that even though the rules permitted of appeals to the Deputy Commissioner, ignorant raiyats from interior villages were really unable to take advantage of it. Even if a few went to the district headquarters, they could not be sure of gaining access to the Deputy Commissioner or getting relief.

Dharmapravartha M. L. NAGAPPA SETTY and MR. P. SITARAMIAH thought that the distribution of water had best be entrusted to officers of the Engineering Department as at present, for, after all, they were in charge of repairs and maintenance of both tanks and channels under them.

No. 30.—Free supply of water in all channels for growing manurial crops.

Messrs. T. S. Madappa, Siddappa and B. S. Puttaswamy, Nanjangud Taluk.

MR. B. S. PUTTASWAMY represented that in view of the low prices and the difficulties experienced by agriculturists in payment of *kandayam*, etc., water from all channels might be supplied in summer, free of charge, for growing manurial crops.

MR. B. SIDDALINGA SETTY represented that the difficulties of the raiyats had become very acute owing to heavy assessment, fall in prices and conversion of all available *gomal* into cultivable lands. He therefore requested that the representation be sympathetically considered.

THE FIRST MEMBER OF COUNCIL promised to examine the feasibility of granting the request.

PRIVATE BILL.

Bill to enforce Legislation for the Suppression of Immoral Traffic in the State.

With the permission of the Dewan, Mr. D. S. MALLAPPA rose to explain the general principles of the Bill.

MR. HOSKOPPA KRISHNA RAO, rising to a point of order objected that this Bill could not be taken up for the reason that the other items of non-official business included in the agenda had not been fully gone through. As per programme, the whole day as well as the previous day and the next day were meant for the discussion of resolutions, barring half an hour at the beginning of each day for questions. Though Rule 4 of the Representative Assembly Regulation empowered the President to alter the order of business according to his discretion, the President could not do anything which would in effect reduce the time once allotted for non-official business. If the Dewan thought that this Bill also came under the description of non-official business, the speaker would respectfully beg to say that it was not so. For, under Rule 6 of the Legislative Council Regulation, it was Government alone that could place before either House any Bill of which a private mem-

ber might have given notice. When that was so, even private business should come under the description of Government business. Section 9 of the Representative Assembly Regulation also went to support this contention. He would therefore appeal to the President not to curtail the time allotted already for private business. As President of both the constitutional Houses, the Dewan would only be respecting the Rules and Regulations by seeing the point involved in this statement and agreeing to drop the Bill, so far at any rate as the present Session was concerned. This, he thought, would be the most proper guidance to come from the Presidential Chair on a matter of such vital importance from the point of view of procedure.

THE FIRST MEMBER OF COUNCIL expressed the opinion that this Bill was eminently an item of private business.

MR. HOSKOPPA KRISHNA RAO, however, asserted that it should not be regarded as private business because, in the first place, as already stated, the Government placed the Bill before the Assembly, and in the second place, they themselves prepared the statement of the general principles of the Bill. So, once a certain amount of time had been allotted for the transaction of private business, even the President could not curtail it.

THE SECOND MEMBER OF COUNCIL said that it might be that Government themselves wanted to oppose a certain Bill given notice of by a private member. If the theory enunciated by Mr. Hoskoppa Krishna Rao was to be accepted, then the Government could not oppose such a Bill, because they would be opposing a measure brought up by themselves. He therefore hoped that such a view would not be shared by anybody except the member who had raised the point of order.

MR. HOSKOPPA KRISHNA RAO observed that though Government placed any Bill before the Assembly or the Council, they certainly had the option to vote upon it as they liked.

THE SECOND MEMBER OF COUNCIL said that in that case, the only way of characterising a private member's Bill was to call it private business.

MR. D. S. MALLAPPA said that the point of order raised would not hold water. In the first place, the Representative Assembly Regulation only dealt with Government Bills. The question of the Government having to place before the Assembly any Bill given notice of by a private member was only dealt with in the Legislative Council Regulation, so that in permitting discussion on the Bill in question in the Assembly, the Government was doing nothing in contravention of the Representative Assembly Regulation. He did not also agree that, simply because the Government placed a Bill before the Assembly, the Bill itself became an item of Government business. If this theory was agreed to, then every item of business, including representations, resolutions and everything else, would become Government business. If therefore it was granted that this Bill was an item of private business, then there was nothing to prevent the House from proceeding to discuss it during the time allotted for private business.

THE DEWAN ruled that the House might proceed to discuss the Bill as per permission already granted.

MR. D. S. MALLAPPA then summarised the general principles and also explained in detail some of the provisions as well as the points contained in the statement of objects and reasons. The general principles are reproduced below.

Statement of the General Principles of the Bill.

ADVANTAGES OF THE BILL.

(1) It expresses the State's disapproval of the immoral traffic in women. It strengthens the hands of those who are to combat this evil, and also helps to form public opinion on this question.

(2) It aims at the minimum amount of legislation necessary; for, the question of public immorality can never be finally solved by legislation.

(3) It aims at the punishment first, of the man or woman who keeps a

brothel; and second, at the trafficker, man or woman, who buys and sells girls and women. No decent citizen would countenance this traffic.

(4) Similar Bills have been introduced in the other main cities of India—Madras has already got such an Act and Travancore is bringing in one.

(5) Under the auspices of the Association for Moral and Social Hygiene, Mysore, this work of suppressing immoral traffic in the State and rooting out prostitution has been carried on along many lines, *e.g*, educational, medical and legal. Therefore, it is confidently hoped that by the time the Bill becomes law, there will be a strong public opinion to support it and help to carry it on its course.

(6) It will be seen that one of the conditions of the working of the Bill is the establishment of an *ashram* to which minor girls removed from brothels under the Regulation can be sent for education and vocational training. The Association is working for this *ashram* and will have it ready with the help of Government by the time the Bill becomes law.

(7) It may be objected that this evil of commercialised vice is not prevalent enough to call for a legal measure. The objection can only be made by those who are not familiar with the real state of things in the Mysore State in these matters. If it is not prevalent to the extent that it is elsewhere, why need we wait for a state of things to be reached, which reformers and politicians in those places find to be utterly baffling?

(8) Some may object that this Bill will affect the *devadasis*. Certainly, one of the effects will be to promote marriage among them. This is happening in Madras with very good effect.

REGULATION No. OF 193 .

A Regulation to enforce Legislation Suppressing Immoral Traffic in the Mysore State.

Whereas it is expedient to enforce the law regarding Suppression of Immoral Traffic in the Mysore State, it is hereby enacted as follows:—

SHORT TITLE.

1. (*a*) This Regulation may be called the Mysore Suppression of Immoral Traffic Regulation of 193

EXTENT.

(*b*) This Section, Section 6, Section 12, Section 13, and Section 16 shall extend to the whole of the Mysore State. The rest of this Regulation shall extend in the first instance to the Cities of Bangalore and Mysore, but the Government may, by notification, extend to any other local area, all or any of its provisions with such verbal modifications as, having regard to the principles of this Regulation, may be necessary for the purposes of such extension.

DEFINITION.

2. In this Regulation, unless there is anything repugnant in the subject or context:—

'Brothel' means any house, room, or place, or any part thereof which the occupier or person in charge thereof allows to be used by any other person for the purposes of prostitution.

'Place of public amusement' shall mean any place, enclosure, building, tent, booth, or other erection, whether permanent or temporary, where music, singing, dancing, or any diversion or game, or the means of carrying on the same, is provided, and to which the public are admitted either on payment of money or with the intention that money may be collected from those admitted, and shall include a race course, circus, theatre, music hall, billiard room, bagatelle room, gymnasium or fencing school, massage room and turkish baths.

'Place of public entertainment' shall mean any place, whether enclosed or open, to which the public are admitted and where any kind of food or drink is supplied for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such place; and shall include a refreshment-room, eating-house, coffee-house, liquor-house, boarding-house, lodging-house, hotel, tavern, or wine, beer, spirit, arrack, toddy, ganja, bhang or opium shop.

'Prostitution' means indiscriminate sexual intercourse for hire.

'Magistrate' means a City Magistrate or a Stipendiary Magistrate of the First Class.

'He' means and includes 'She' also.

SOLICITATION.

3. Whoever in any street or public place or place of public resort or within sight of and in such manner as to be seen or heard from any street or public place, whether from within any house or building or not,

(*a*) by words, postures, wilful and indecent exposure of his or her person or otherwise, attracts or endeavours to attract attention for the purpose of prostitution, or ;

(*b*) solicits or molests any other person for the purpose of prostitution shall be punished with imprisonment for a period or term which may extend to three months, or with fine which may extend to one hundred rupees.

PROSTITUTION IN PLACES OF PUBLIC AMUSEMENT.

4. Whoever being the owner, keeper, landlord or manager of any place of public amusement or entertainment, knowingly permits prostitutes or procurers for the purpose of their trade to meet or remain in such place, shall be punished with fine which may extend to one hundred rupees.

LIVING ON THE EARNINGS OF PROSTITUTION.

5. (*a*) Any person over the age of sixteen who knowingly employs or causes or abets the employment by another person for prostitution and lives, wholly or in part, on such earnings shall be punished with imprisonment which may extend to two years, or with fine which may extend to five hundred rupees, or both.

Presumption thereof.

(*b*) Where a person is proved to be living with or to be habitually in the company of a prostitute or is proved to have exercised control, direction, or influence over the movements of a prostitute in such a manner as to show that he is aiding, abetting, or compelling her prostitution with any other person or generally, it shall be presumed, until the contrary is proved, that he is knowingly living on the earnings of prostitution.

PROCURATION.

6. Any person who procures or attempts to procure or causes to procure any woman or girl, whether with or without her consent, to become a prostitute, or who, with intent that she may for the purposes of prostitution become the inmate of or frequent a brothel, persuades a woman or girl to leave her usual place of abode, shall be punished with imprisonment which may extend to two years, or with fine which may extend to five hundred rupees, or both.

IMPORTING WOMAN OR GIRL FOR PROSTITUTION.

7. Any person who brings or attempts to bring or causes to be brought into any village, town or city in the State, any girl or woman, with a view to her becoming a prostitute, shall be punished with imprisonment which may extend to three years, or with fine which may extend to five hundred rupees, or with both.

8. Where a Magistrate empowered under this Regulation has reason to believe from a report made to him by a Police Officer, or otherwise, that a girl apparently under the age of 18 years is living or is carrying on or is being made to carry on the business of a prostitute in a brothel, disorderly house, or place of assignation, he may issue an order to a Police Officer not below the rank of an Inspector specially authorised in writing in this behalf by the Superintendent of Police, to enter into such brothel, disorderly house or place of assignation and to remove therefrom such girl ; and thereupon such Police Officer shall have the power to enter into such brothel, disorderly house, or place of assignation, and shall be entitled to remove such girl forthwith from such brothel, disorderly house or place of assignation.

COMMITMENT TO SUITABLE CUSTODY.

9. A girl who has been so removed hall be brought before a Magistrate mpowered under this Act, and the Iagistrate shall cause an inquiry to be ıade and if satisfied that the girl is nder 18 years of age and that she ıould be dealt with as therein provided, may make an order that such girl be placed, until she attains the age of 21 years or for any shorter period, in a Rescue Home provided or aided or recognised by the Government or in such other custody as the court for reasons to be stated in writing shall consider suitable, provided that such custody shall not be that of a person other than a relative of the girl or body of a different religious persuasion from that of the girl.

INTERMEDIATE CUSTODY OF THE GIRL REMOVED FROM BROTHEL, ETC.

10. When a girl has been removed from a brothel or disorderly house or place of assignation under the provisions of Section 8, the Superintendent of Police in Mysore or any other Police Officer carrying out the removal shall, until such girl can be brought before the court, cause her to be detained in a Rescue Home provided, aided, or recognised by the Government (other than a police station or jail), provided that as far as possible such custody shall not be that of a body of a different religious persuasion from that of the girl.

UNLAWFUL DETENTION FOR PROSTITUTION.

11. (*a*) Whoever detaining any woman or girl against her will,

(i) in any house, room, or place in which the business of a common prostitute is carried on, or

(ii) in or upon any premises with intent that she may have sexual intercourse with any man, other than her husband, whether with any particular man or generally,

shall be punished with imprisonment which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

Presumption thereof.

(*b*) Where a woman or girl is in any house, room, or place in which the business of a common prostitute is carried on, or is in or upon any premises for the purpose of having sexual intercourse referred to in sub-clause (ii), a person shall be deemed to detain such woman or girl in such house, room, place or in or upon such premises if, with intent to compel or induce her to remain there, such person withholds from her any wearing apparel, personal ornaments or other property belonging to her; or, where wearing apparel, personal ornaments, other personal property, or money has been lent or otherwise supplied to such woman or girl by or by the direction of such person, if such person threatens such woman or girl with legal proceedings if she takes away with her the wearing apparel or personal ornaments or other personal property so lent or supplied, or for the recovery of such money.

BAR OF CERTAIN LEGAL PROCEEDINGS.

12. No civil suit shall lie, and no proceedings whether civil or criminal shall be taken, against any such woman or girl or against any person on her behalf, by or on behalf of any person occupying or managing or acting or assisting in the management of any such house, room, place or premises, for the recovery of any wearing apparel, personal ornaments, or other property, alleged to have been lent or supplied to or for such woman or girl or to have been pledged by or for her or for the recovery of any money alleged to be payable by or on behalf of such woman or girl.

PUNISHMENT FOR KEEPING A BROTHEL OR ALLOWING PREMISES TO BE USED AS A BROTHEL.

A

13. (i) Any person who—

(*a*) keeps or manages or acts or assists in the management of a brothel; or

(*b*) being the tenant, lessee, occupier or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel; or

(*c*) being the lessor or landlord of any premises or the agent of such lessor or landlord, lets the same, or any part thereof, with the knowledge that the same or any part thereof, may be used as a brothel, or is wilfully a party to the continued use of such premises or any part thereof, as a brothel;

shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees.

Punishment for Subsequent Offence.

B

13. (ii) Any person who, having been convicted of an offence punishable under Section A, is convicted of a subsequent offence punishable under the said section, shall be punished with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both, and may in addition to such punishment, be required by the court to execute a bond, with sureties, for his good behaviour for such period, not exceeding three years, as the court may direct, and in default of executing such bond, may be imprisoned for a period not exceeding six months in addition to the punishment awarded in respect of his offence.

Determination of Tenancy of Premises on conviction for permitting use as a Brothel or for purposes of Habitual Prostitution.

C

13. (iii) (*a*) On conviction of the tenant, lessee or occupier for any offence under Section A, clause (*b*), the landlord or lessor shall be entitled to require the person so convicted to assign the lease or other contract, under which the said premises are held by him, to some person approved by the landlord or lessor, which approval shall not be unreasonably withheld, and, in the event of the person so convicted failing within three months to assign the lease or contract as aforesaid, the landlord or lessor shall be entitled to determine the lease or other contract, but without prejudice to the rights or remedies of any part to such lease or contract accruing before the date of such determination.

(*b*) If the landlord or lessor determines a lease or contract of tenancy under the provisions of sub-section (*a*), the court which has convicted the tenant, lessee or occupier may make an order for delivery of possession to the landlord or lessor within such time, not being less than seven days, as the court may direct. The order shall be served on the person against whom it is made in the manner provided in the Code of Criminal Procedure for service of a summons, and if such person fails to comply with it, he shall be punished with imprisonment which may extend to one month, or with fine which may extend to two hundred rupees.

(*c*) If the landlord or lessor after he has received notice in writing of such conviction fails to exercise his rights under sub-section (*a*) and consequently during the subsistence of the lease or contract any such offence is again committed in respect of the premises, the landlord or lessor shall be deemed to have abetted that offence, unless he proves that he has taken all reasonable steps to prevent the recurrence of the offence.

(*d*) Where a landlord or lessor determines a lease or other contract under this section, and subsequently grants another lease or enters into another contract of tenancy to, with, or for the benefit of the same person, without causing to be inserted in such lease or contract all reasonable provisions for the prevention of a recurrence of any such offence, he shall be deemed to have failed to exercise his rights under the provisions of this section and any such offence committed during the subsistence of the subsequent lease or contract shall be deemed, for the purpose of this section, to have been committed during

the subsistence of the previous lease or contract.

ARREST WITHOUT WARRANT.

14. (*a*) Any Police Officer, not below the rank of an Inspector on information, and, if the offence is committed in his view, any Police Officer specially authorised in this behalf by the District Magistrate, may arrest without a warrant any person committing an offence punishable under Section 3.

(*b*) Any Police Officer, not below the rank of an Inspector, may, without an order from a Magistrate and without warrant, arrest any person who has been concerned in an offence punishable under Section 11, or against whom a reasonable complaint has been made, or credible information has been received, of his having been concerned in an offence under sub-section (*c*) of Section 13 (i).

POWER TO ENTER PREMISES.

15. If the Magistrate of the District or a First Class Magistrate or the District Superintendent of Police or Assistant Superintendent of Police, holding jurisdiction in the area, for the purpose of ascertaining whether an offence punishable under Sections 5, 6, 7 and 11, has been or is being committed in any building, enclosure, room, place in which he has reason to believe that any woman or girl is living in respect of whom, an offence punishable under Sections 5, 6, 7 or 11 has been committed, may either himself enter or by his warrant give authority to any Police Officer, not below the rank of a Police Inspector, to enter with such assistance as may be found necessary, by night or by day and by force, if necessary.

Any Police Officer, not below the rank of an Inspector, authorised in this behalf by the District Magistrate by special order may, for the purpose of ascertaining whether an offence punishable under Sections 5, 6, 7, 8 or 11 has been or is being committed, enter without a warrant, any premises in which he has reason to believe that any woman or girl is living in respect of whom an offence punishable under Sections 5, 6, 7, 8 or 11 has been committed.

OFFENCES TRIABLE BY CERTAIN MAGISTRATES ONLY.

16. Offences punishable under Sections 5, 6, 7 or 8 shall be triable by the Courts of Session, City Magistrates and Stipendiary Magistrates of the First Class only.

Statement of Objects and Reasons.

At present, there is no law in Mysore to suppress immoral traffic. There is a considerable volume of public opinion in the country desirous of introducing legislation in this important matter. Hence the Bill is prepared for the acceptance of the legislative bodies in Mysore. As the Bill that was introduced in 1932 in this behalf was not approved, some changes have been made in this Bill so that it may meet with the approval of the Assembly and then the Legislative Council.

The Bill contains the following provisions :—

Section 1.—(*a*) Describes the title of the Regulation.

(*b*) Describes the area where the different provisions of the Bill will be in operation and also describes the power to be reserved to Government about the extension of the different provisions of the Bill from time to time to different parts of the State.

Section 2.—Definition of the various terms used in the Bill is given.

Section 3.—Provides punishment to persons who allure people for purposes of prostitution.

Section 4.—Provides punishment to those who entertain prostitutes in places of amusement.

Section 5.—Provides punishment to persons who abet prostitution and also live on the earnings of prostitutes kept by them for business.

Section 6.—Provides punishment to persons who procure or cause to procure girls or women for employing them as prostitutes.

Section 7.—Provides punishment to persons who import females for employing them as prostitutes.

Section 8.—Empowers Magistrates to issue orders for the removal of minor girls from brothels.

Section 9.—Empowers Magistrates to order the keeping of minor girls in Rescue Homes or in the custody of relatives until they attain the age of 21.

Section 10.—Provides authority to Police Officers to keep the rescued girls in Rescue Homes until they are produced before Magistrates.

Section 11.—Provides punishment to persons who detain females without their consent for the purposes of making them lead lives of prostitutes under them.

Section 12.—Absolves the females entertained in brothels from all civil and criminal liabilities with regard to the properties, *viz.*, ornaments, etc., that had been lent to them or given to them for keeping them under bondage in the brothels.

Section 13.—(*a*) Provides punishment for keeping a brothel or for allowing any premises to be used as brothel.

(*b*) Provides enhanced scale of punishment to habitual offenders.

(*c*) Provides for the determination of tenancy of premises on conviction for permitting use as a brothel or for purposes of prostitution.

Section 14.—Provides for arrest of persons guilty of offences under various sections in the Bill without warrant.

Section 15.—Empowers certain officers to enter premises for purpose of ascertaining whether offences under certain sections are committed there or not.

Section 16.—States by what Magistrates the offences under this Regulation are triable.

MR. MALLAPPA added that a similar Bill which had been brought up by him two years ago had been thrown out by the Assembly by a narrow majority and though the President had permitted him to bring up the Bill before the Legislative Council, he thought that he would be respecting the Assembly better by again bringing up the Bill before it. He also said that in the Bill as brought up at present he had effected certain modifications and alterations in pursuance of certain suggestions made in the course of discussions on the previous occasion on the floor of the Assembly. He observed that the growing evil of immoral traffic for which, in his opinion, procurers were more responsible than any parties directly concerned, had driven him to the conclusion that legislation as proposed was absolutely necessary. The Moral and Social Hygiene Association which had made large-scale enquiries in Bangalore and some enquiries in Mysore, had collected information which showed that unless legislative action was taken the evil was bound to grow in days to come. The speaker then quoted figures relating to the number of houses visited by the members of the Association and the appalling truths that had come to their notice. The havoc played by a number of procurers was such as to deserve the most deterrent action on the part of the Government as the only means of safeguarding the interests of hundreds of innocent girls, many of whom had not even attained the age of discretion. If the Association was able to obtain details relating to such delicate issues as were connected with an enquiry of this type, it could safely be inferred that the extent of the mischief of the procurers was certainly more than would be evident by the figures mentioned in the several reports of the Association. A large number of innocent boys who came to the cities from villages for prosecuting higher

studies stood in great danger of falling a prey to the machinations of these miscreants and it was the foremost duty of their parents to see that they gave hearty support to the proposed legislation from the point of view of their own boys' safety.

Proceeding, the member said that he expected some members to say that Government interference in such social matters might not be justifiable. In order to show that such an impression on anybody's part would be erroneous, he said that even in the earliest days of Hindu Law, legislators had prescribed exemplary punishment to persons carrying on such a mean trade. After all, Mysore was not the first State to take up legislation in this respect. Madras, Punjab, Burma, Bengal, Ceylon, United Provinces, Pudukottah and Federal Malay States had already taken steps in this direction, and the law in some of those places was more stringent than the one proposed by him in the present Bill. Even if any one contended that the evil had not grown up to such dimensions as to justify legislative action, he would earnestly plead for support to the measure, for the reason that prevention was always better than cure. For these reasons, he commended the measure for the kind acceptance of the House.

MR. R. RAMAPPA, in supporting the Bill, said that the evil was rapidly increasing in Sagar, Thirthahalli and other *malnad* places. He thought that the only way of checking the evil was through legislation.

MR. CHANNABASAPPA of Davangere, also supporting the Bill, said that the mischief of procurers was in evidence even in the villages.

MR. W. H. HANUMANTHAPPA however opposed the Bill, not on principle but on the ground that legislation would be premature just at present. In the first place, he was not sure that the evil had assumed such proportions as to need legislative action. If it were so, he thought that the Government themselves would have proposed needful action. Though he agreed that the mischief should be strongly dealt with, he did not believe that it would be practical politics to expect that the object could be achieved by merely legislation. The first and foremost requisite being the establishment of a number of Rescue Homes, it would be futile to expect that girls would be weaned from the path of immorality unless such shelter was readily available to them. The question of establishing such homes was essentially one of funds and the Government would have to provide enough funds before adopting any measures to put down immoral traffic. This in fact was the reason why His Excellency the Governor of Madras did not agree to opening Rescue Homes, when the question came up for discussion there. After all, even as regards the merits of the case, he did not believe that conditions in Mysore were really so bad as they were depicted to be. Much had been made by the mover of the work done by the Moral and Social Hygiene Association. But the speaker wished to know how many members had really held enquiries, how many houses they had visited and whether they would be able to say that the results of enquiries held by them were thoroughly dependable. Personally, he was of opinion that the enquiries must have been very perfunctory, for, the figures quoted by the mover showed that the number of brothels discovered by the Association in the Bangalore City was 23 and in Mysore City 13. If however these were all the numbers, then, the case for the proposed legislation would become weaker still, because, the existence of a small number of brothels in such big cities was certainly not altogether alarming. And even if so many houses really existed, an elaborate legislative measure like the one proposed was really unnecessary, considering that such a stupendous task as the improvement of the social status of Harijans had been undertaken with marked success by one single individual, Mahatma Gandhi.

Continuing, the member thought that a certain disservice to the Hindu Society would be done by passing the legislation before providing Rescue Homes. As a matter of fact, so many girls who went astray must have done

so on account of ignorance or poverty or other reasons beyond their control. If such girls were taken out of the wrong path but not taken proper care of subsequently, then they would be left in the lurch and would again fall a prey to the designs of evil persons. It may be that they would fall into the hands of vicious people or it might be that Christian missionaries might feign sympathy for them with the ulterior object of converting them to their own faith.

The entire problem was engaging the attention of a number of philanthropic gentlemen in Bangalore and the idea was to open a number of *ashrams* within the next 6 or 7 months at Bangalore and they were proposing to rescue all innocent girls who had been seduced and admit them to the *ashrams* conducted by persons of their respective castes or creeds, unless their nearest relations agreed to take them back. This, he thought, was a better way of tackling the problem than taking legislative action to punish procurers or rescue girls without at the same time making sure of a healthy shelter for them.

The speaker next referred to the existence of adequate provision in the Indian Penal Code, the Police Regulation and the Municipal Regulation for dealing with persons who procured girls for immoral purposes as well as for dealing with persons of a suspicious character. If the object underlying the proposed measure had not been secured to any extent by the above Regulations, it was not because the Regulations themselves did not empower the officers concerned to effectively deal with the offenders but because they had not adequately exercised the powers vested in them.

In conclusion, the member requested the Government not to allow the proposed measure to be passed into law, as it would only have the appearance of a blot on the high reputation which the Mysore State enjoyed. Even without it, philanthropists would take all possible action to deal with the situation by opening Rescue Homes in large numbers and giving shelter therein for such girls as they might possibly rescue without the aid of any legislation.

At this stage, the House adjourned for lunch and reassembled at 3-30 p.m.

MR. BAGAMANE DEVA GOWDA supported the Bill and said that it was a very useful measure. He did not share the misgivings entertained in some quarters that as a result of this measure, many Hindu girls who had fallen into bad ways would be converted to Christianity or that the police would have ample scope for corruption and for harassing innocent people.

Khan Bahadur MAHOMED ABBAS KHAN said that there was no difference of opinion as to the disgraceful nature of the business that was being done by procurers and the necessity to put an end to all kinds of immoral traffic. But the remedy suggested, *viz.*, legislation, was not calculated to put an end to this traffic. Even the member who had proposed the Bill in question had not satisfied the House on this issue. His own opinion was that already the existing laws provided for necessary action to put an end to immoral traffic. For example, Section 37 of the Police Regulation prescribed that keepers of brothels could be punished severely and even the house-owners letting the use of their houses for such purposes could be punished if it was proved that they knowingly let the houses for such purposes. Also, on a complaint from any member of the public, a magistrate could take cognisance of the case and immediately order that such traffic should not be carried on in the house. Any person disobeying such an order would be liable for a fine of Rs. 25 every day. He asked if that was not an adequate provision for dealing with the problem.

Secondly, the new Municipal Regulation also empowered magistrates to pass similar orders when such cases were brought to their notice. Again Sections 366 (*a*) and 366 (*b*) of the Indian Penal Code as in force in Mysore also contained similar provisions. Section 366 (*b*), in fact, was more comprehensive than the two other Regulations referred to in so far

as it provided for dealing with cases of girls or women from outside the State being brought into Mysore for purposes of immoral traffic. Certain rules enacted during Commission days, which had still the force of law, contained provisions to the effect that every woman who received paying visitors for immoral purposes was bound to undergo medical examination periodically, and, in case she had any disease, to undergo treatment compulsorily, the cost thereof being borne by the Government. These rules no doubt applied as much to the City as to the Cantonment. But there was also a provision to the effect that the rules would apply only to those houses which Europeans might visit. To this extent, they were not applicable to houses in the City. If in this one respect a modification was effected so as to make the rules applicable to all houses meant for immoral purposes, then, the object of the Bill now under consideration could fully be achieved. The Social and Moral Hygiene Association to which the proposer of the Bill had made frequent references did not appear to have taken any steps to bring the existence of the houses which were reported to have been visited by them to the notice of either the police or the magistracy. If they had done it, perhaps, prostitution might have been brought under control and all the mischief wrought by procurers would have also been put an end to by now. At least in future, instead of proposing any hasty legislative interference, if the members of that association made up their minds to launch complaints before the authorities based on the information they gathered, useful results were sure to follow. If, however, even after doing so they still thought that legislative action was necessary, they would be perfectly justified in proposing the same. But at present the member did not think that a Bill like the one proposed was really called for.

Proceeding, the member suggested that one way of inducing those engaged in immoral traffic to live better lives in future would be for the philanthropists to teach them personal hygiene, to give them general education and train them up in remunerative arts and sciences. So far as the Government were concerned, he suggested that, as in the case of Harijans, they might be pleased to sanction special grants for opening and maintaining hostels and for special scholarships to unfortunate girls or women who had fallen victims to the machinations of procurers. Instead of taking cautious action, if the Government agreed to enact legislation, the only effect of it would be that immoral traffic would go on stealthily in which case not only would the miscreants go untraced, but the suffering girls would also be unable to get proper medical or other aid.

In conclusion, he said that he fully agreed that all possible steps should be taken to put an end to this evil, but that before taking any legislative action, the existing provisions should be fully availed of and, if they were found to be inadequate and a fresh measure like the one proposed was found to be absolutely necessary, then he would be the first to lend his support to it.

MR. B. N. BORANNA supported the Bill. He brought to notice that procurers were not confining their attentions to the cities only, but that they were visiting the villages also for promoting their own business. And so the question of suppressing immoral traffic was one in which not only the residents of cities but those of villages also were equally interested.

Referring to the statements made by some of the previous speakers, he did not think that the proposed measure would give scope for Police Officers to cause undue hardship to innocent people.

With regard to Khan Bahadur Mahomed Abbas Khan's suggestion that the existing provisions must be taken full advantage of before any fresh measure was contemplated, he stated that there was no harm in enacting a complete law even though other Regulations already in force contained some provisions in this behalf, and in support of these observations he stated that Madras, where similar provisions were in force, had also passed an independent Regulation like the one under discussion.

MANY MEMBERS observed that this was not a correct statement.

MR. BORANNA refuted Mr. W. H. Hanumanthappa's argument that the proposed enactment would have the result of many Hindu girls and women becoming converts to Christianity. There was nothing to warrant such an apprehension nor was there anything to prevent conversions even in the absence of a measure like the one proposed.

MR. P. SUBBARAMA CHETTY thanked Mr. Mallappa for having brought up the Bill under discussion and said that he did not expect even one member of the Assembly to differ from Mr. Mallappa so far as the object of the proposed Bill was concerned, *viz.*, to put down immoral traffic as far as possible, with particular reference to the misdeeds of procurers. Difference of opinion, if at all, might exist with regard to the ways and means suggested. So far as he himself was concerned, he thought that even in respect of such details the proposed Bill would receive general support. Opinion had been expressed that legislation was premature for the reason that the evil did not exist on any large scale. The argument itself implied that even on a small scale the evil did exist. If it were so, it was all the more reasonable that effective action should be taken forthwith with a view to nip the evil in the bud.

As regards the opinion expressed by one or two previous speakers that it would not be a practical proposition to suppress the evil, he would only invite attention to the legislation in force in Madras City which had achieved very satisfactory results and that was the reason why other towns like Madura and Tanjore had adopted it. He stated this to prove that the proposed measure was going to be a practical proposition.

MR. SUBBARAMA CHETTY also did not believe that others who had not supported the Bill were actually opposed to it. Some members had expressed the fear that the Bill might enable Christian missionaries to convert many Hindu girls to Christianity. There was no room for any such fear because the Bill itself specifically provided for the opening of *ashrams* for girls of various communities so that any girl rescued would join an *ashram* run by members of her own community, and even this was not made compulsory in all cases, because the authorities of the *ashrams* would be perfectly willing to hand over the girls to any of their relatives who were prepared to take them back.

With regard to the suggestion made by Khan Bahadur Mahomed Abbas Khan that if periodical medical examination should be provided for prostitutes suffering from any disease and for their treatment, it would meet the requirements of the case, MR. SUBBARAMA CHETTY thought that that would have the effect of placing a premium on vice and would encourage women to live reckless lives. For this reason, he was not in favour of the suggestion.

In conclusion, MR. SUBBARAMA CHETTY said that even though there might be differences of opinion with regard to particular provisions of the measure, which could be altered or modified in the Legislative Council, there ought to be no difference of opinion as regards the Bill as a whole. For this reason, he whole-heartedly supported the measure before the House.

MR. B. S. PUTTASWAMY started by referring to the apprehension expressed by certain members that if erring girls were rescued they would all be converted to Christianity, which should not be permitted. He said that even if the apprehension was well-founded it might be expected that the girls who were now living miserably would be happy after conversion. But it was not in such a narrow light that Bills of this kind should be viewed. He would view it on broader principles, *viz.*, what the disadvantages were at present; what countervailing advantages would be secured by the new legislation and so on. In his opinion, the member proposing the measure had taken a wrong start. He seemed to be under the impression that the prostitutes were not happy; that they had lost their status and therefore they must be helped to improve their lot; and the means chosen was to trace and punish procurers. On a calm consideration, however, he had come to two conclu-

sions, *viz.*, that honest prostitutes had a status of their own and that their lot could by no means be improved by punishing the procurers. The institution of prostitutes was an age-long one and even from ancient days there was a practice among certain sections of the people of inviting these to participate in certain rituals connected with marriages. If it was therefore recognised that prostitutes had a part to play in the social polity, the remedy for the present evil did not lie in regulating prostitution but by abolishing it altogether. But this object could not be secured by merely passing the proposed Bill. The objects which the mover seemed to have in mind could well be secured by enforcing the various sections of the Indian Penal Code, *viz.*, Sections 361, 365, 366 (*a*) and (*b*), 368, 372 and 373. In fact, all the provisions now suggested were covered by these sections. The City Municipal Regulation and the Police Regulation, to which reference had been made by previous speakers, also contained ample provisions for dealing with the situation which the mover and his supporters were complaining of. There was thus no need for the new measure proposed. In fact, in spite of all the clauses suggested, it would not provide adequately for dealing with the problem. Its very purpose seemed to be uncertain and its methods were sure to miscarry, because it was not the sinners that had been proposed to be punished but others who might be abetting them to commit the sin, *viz.*, the procurers. Granting that these persons were suitably dealt with, there was no guarantee that the sin itself would cease to be committed. There were ample opportunities for immoral persons to go on in their own way even without agents, such as those afforded by theatres, cinemas, telephones, post offices, etc. If it were so easy to put an end to prostitution, success ought to have been achieved as a result of the various steps that had been taken in several western countries. By this, he did not mean that no steps should be taken to check the evil. He was one with Khan Bahadur Mahomed Abbas Khan in thinking that the provisions already existing in the various Regulations referred to must be strictly applied and deterrent punishment given to the miscreants. If the mischief of the procurers was going on on a large scale, it only meant one of two things, *viz.*, either the Police were not doing their duty or they had also been corrupted. Personally he thought that the former was more likely. If neither of these alternatives really existed, it only meant that the crime itself was negligible, in which case no fresh legislative action was called for. With the idea of putting an end to several other vices like gambling, etc., a number of legislative measures had been enacted, but the vices themselves had not been eradicated. Similarly, the passing of legislation to suppress immoral traffic could give no guarantee that immoral traffic would be eradicated. If it was argued by the House that legislation was necessary on the ground that it would act as a preventive measure, there was the possibility of outsiders thinking that such a special law was enacted in Mysore for the only reason that the evil had assumed alarming proportions, and that would indeed be a blot on the fair name of the State. Here and there, immoral traffic might be going on off and on, but the best way of dealing with it was, as already suggested, on the one hand, to give effect to the provisions already existing and on the other, to try to improve the standard of women by giving them higher ideas of life and teaching them the sacredness of the human body.

MR. V. VENKATAPPA said that the number quoted by Mr. Mallappa did not represent the total number of houses in which immoral traffic was going on, but merely the number of houses visited by the members of the Social and Moral Hygiene Association. There was no doubt that immoral traffic was going on in several hundreds of houses in the two cities. To put down an evil so widespread as this, a regular legislative measure was really necessary. He admitted that, as was pointed out by some members, certain provisions existed in the Police and the Municipal Regula-

tions and the Indian Penal Code. But they by themselves were not adequate. Therefore the framer of the Bill had prepared a consolidated measure embodying all the provisions contained in those Regulations as well as some fresh provisions. The evil, though existing on a large scale only in the cities, was also a matter of grave concern to the villages, because the havoc played by procurers was not confined to the former only. That was why venereal diseases were sometimes traced even among villagers. By checking further mischief on their part not only would the evil be mitigated in the cities but this disease would soon become a thing of the past among the villagers. For this reason, the residents of cities as well as of the villages owed a duty to the country as a whole to give unstinted support to the proposed measure. Even if the House accepted the general principles of the Bill immediately there were still many other legal formalities to be gone through so that it might take something like two years for the Bill to become law. In the meanwhile, a sufficient number of Rescue Homes would have been started both by Government as well as by philanthropic gentlemen.

In conclusion, he requested the House to accept the Bill as being a timely measure. If once the evil got out of control, any number of Regulations passed thereafter could not check its effects.

MR. N. G. SANJEEVIAH said that the proposed Bill was certain not to achieve its avowed objects. Even the mover and his supporters had failed to explain how the several provisions would help to gain the object in view. The figures quoted by them in order to establish the necessity for legislative interference were in his opinion not thoroughly dependable. When high officers of Government tried their best to collect information relating to population, occupation, etc., in connection with the census operations, reliable information was not furnished by persons of questionable means of livelihood. Such being the case he could not believe that a few members of a society, whose very existence or sphere of work not many were aware of, were able to collect dependable statistics from a large number of such people. He suspected that these figures must be either fictitious or exaggerations.

As regards the motive underlying this Bill, *viz.*, the suppression of an evil which was a bane to the society at large, he wished to say that prostitution could never be regarded as a bane to society. In fact, prostitutes formed a regular limb of the Hindu society even from time immemorial. They had their own part to play and a status of their own. Some of the greatest sages of India such as Vasishta and Visvamitra were reported to have been born to men and women who were not married couples. If a new departure was made at present, and it was enjoined that every man and woman should lead strictly moral lives, he would ask the framers of a law of that kind to remember the disparity in numbers between the male and female population for instance in the one city of Bangalore and to consider how the sexual needs of the surplus male population should be normally satisfied. His own opinion was that there was greater danger to society in enforcing such a law than in allowing the present state of affairs to continue, because by abolishing prostitution altogether, the safety of family women might possibly be endangered.

The Bill provided for the exercise by officers of Government of very large powers affecting the individual liberty and he was surprised that the mover and his supporters should have provided for it at a time when there was widespread agitation for transfer of power to non-official hands.

With regard to starting of *ashrams* or Rescue Homes, MR. SANJEEVIAH feared that in course of time, the inmates might be handed to any person or persons promising to take care of them. He thought that this would not be the best way of ensuring that the girls would be helped to live honourably thereafter. On the other hand, it had come to his notice that two girls who had been similarly taken in marriage by two Christians had subsequently been

deserted and were thrown out as beggars in the streets.

On the whole, he thought that the Bill would only cause undue hardship to a large number of people, without helping even a few.

MR. C. N. NARASINGA RAO, in strongly supporting the Bill, refuted the arguments of Messrs. Mahomed Abbas Khan and B. S. Puttaswamy to the effect that it was an unnecessary measure. He said that the Social and Moral Hygiene Association had written to the Police Department and also to the authorities of certain important hospitals. The reply received from the Police Department showed that even officers of that department did not have full information relating to immoral traffic or prostitution. But the information received from the hospitals showed the extent to which the health of the inmates and the children born to them had been effected. In a large percentage of cases, the women suffered from venereal diseases which also partly accounted for the very high percentage of infant mortality. It had been ascertained that most of those mothers and children had come to their present miserable plight not on account of their own free will, but on account of having fallen into the hands of procurers. If the mischief of these people was not arrested effectively, there was no doubt that its effects in course of time would be disastrous to the country as a whole. That was the reason why all the existing provisions in the several enactments had been put together in the proposed consolidated measure and also certain new provisions introduced. If it was agreed that these innocent women must be led into the right path again, it can only be done by starting Rescue Homes. He was glad to inform the House that the Asakta Poshaka Sabha of Bangalore had decided to start such a home, and there was therefore no fear that girls once rescued would, for want of proper shelter, revert to immoral ways. He therefore appealed to the House to give its wholehearted support to the measure.

MR. HOSKOPPA KRISHNA RAO, in strongly opposing the Bill, said that two years ago, when the same mover had brought up this measure, the Assembly had rightly thrown it out. What reasons had led him to bring it up again had not been explained. The few arguments and figures quoted by the mover and his supporters had not established the necessity for passing it. Public opinion in the State also did not warrant the introduction of a measure like this. Certain provisions made in the Bill appeared to be mutually nugatory and if a Bill so perfunctorily prepared was passed into law, the results might be disastrous. Even if conditions were so bad as to demand a measure of this kind, it was necessary to start Rescue Homes in advance, and for this, propaganda and voluntary effort on the part of the public appeared to him to be essential requirements. It would be most inadvisable to pass the law in anticipation of the necessary funds for running the Rescue Homes becoming available. No doubt, the supporters of the Bill had invited attention to the existence of similar legislation in outside countries; but he would ask them to consider whether the situation in Mysore was really so bad as in those countries. In the Model State of Mysore with an unsullied reputation, not only was a law of this type unnecessary but it would indeed be a blot on its fair name.

Much was made of the Social and Moral Hygiene Association. Nobody knew where that association was, what work it was doing, what reports it had issued and what reliable data it had collected. If the association had really useful information before it, it ought to have published all that information well in advance of the Bill coming up for discussion. It was very unfair on the part of the mover to expect members of the Assembly to give their support to the Bill offhand without seriously considering the *pros* and *cons* of it. Even in countries where legislation of this kind existed, opinion was sharply divided as to its utility. It was his considered opinion that the enactment of this law was both improper and dangerous. Conditions in Mysore were such that the whole of India might well be proud of this State,

If here and there there were cases such as were brought to notice by the mover, it was quite possible to check them by applying the provisions of the other laws already existing.

As regards the starting of Rescue Homes, it was futile to hope that private effort would do all that was necessary, and even if that was so, it would be dangerous to leave the management of such homes in the hands of private individuals. The starting of such homes should be a matter exclusively for Government to take up and the question of financing them also was one for them to consider. Otherwise, efficiency of these homes was sure to suffer and the poor girls once admitted into them could not be sure of their future safety. But whether Government or private enterprise took up this question, the whole problem of Rescue Homes was beset with very many complications, for, the rescued girls themselves might belong to various communities and creeds. Therefore, any hasty action taken in regard either to the establishment of such homes or to legislate in the matter of control of prostitution or immoral traffic would lead to unnecessary strifes, bitterness and recriminations. For these reasons, he appealed to all the members of the Assembly to throw out the Bill.

MR. P. SITHARAMIAH was surprised that a member of the type of Mr. Hoskoppa Krishna Rao should have opposed the Bill under discussion. Perhaps Mr. Krishna Rao had not read the Bill carefully. It was not proposed to enforce the legislation in advance of starting Rescue Homes. On the other hand it had been specifically provided that Rescue Homes would come first and legislation would take effect next.

With regard to the argument of certain other members that this law was unnecessary because other existing Regulations contained certain sections or clauses, he thought that the proposed law was quite necessary because the existing provisions did not give enough powers to officers of Government to adequately deal with the existing evil.

Another circumstance in favour of the proposed measure was that in certain respects it was less stringent than the existing provisions in other Regulations. For example, at present, even a police constable could interfere in places where immoral traffic was suspected, but in the proposed measure, only Police Officers of or above a certain status could do so.

The figures obtained from several hospitals relating to the diseases from which women and children were suffering showed that in a large percentage of cases premature births, still-births, abortions, etc., were due to circumstances which were not always under the control of the women concerned. There was sufficient room to think that many of them had fallen a prey to the machinations of procurers whom it was the duty of the State to put down with a strong hand. This alone was a sufficient justification for the House passing the Bill.

MR. D. S. MALLAPPA in the course of his reply to the debate said that those who had spoken against the Bill had not given satisfactory reasons for throwing it out. It was said by some that other Regulations contained enough provisions to deal with immoral traffic. But those provisions were either more drastic than the provisions of the proposed Bill or were too inadequate to deal with the cases coming to notice. The existing provisions were also very vague in certain respects, and the proposed Bill sought to define such points more clearly. For example, the existing provisions provided for punishing any person who solicited or molested anybody in a street for the purpose of prostitution. But what was meant by soliciting or molesting had not been made clear. These had been clearly defined in the proposed Bill. Similarly, the term "brothel" had not been defined anywhere. Under the Municipal Regulation, a magistrate could order the closure of a brothel, but there was nothing therein to prevent another being opened instead. The Indian Penal Code took cognisance of cases of minor girls being seduced, but the proposed law extended its application to even women of more than 18 years of age. The proposed Bill was more comprehensive and more effective than

the provisions now existing in other enactments.

Certain members sought to create an impression that by the passage of this Bill many Hindu women would be compelled to get themselves converted to Christianity. He was sorry that such an impression should prevail. In fact, such opportunities were greater at present because women who erred once were not being taken back by their relatives, with the result that they had to take shelter under Christian missionaries who alone seemed to be going to their rescue. If as proposed *ashrams* were opened for all such women, they would continue to be within the Hindu fold, whether their nearest relatives took them back or not.

With regard to Mr. Hoskoppa Krishna Rao's observation that public opinion must first favour legislation of this type, he said that public opinion had already existed in its favour, as was evident from the fact that a resolution in this behalf had been passed by the Assembly about three or four years ago when Mr. Hoskoppa Krishna Rao was also present. More recently, the All India Women's Conference as well as some of the Ladies' Associations in Mysore had passed resolutions requesting the Government to introduce such legislation. The public of Shimoga and the Youth League of Thirthahalli had also held meetings and passed resolutions to the same effect. After the speaker had given notice of this Bill, the Government had consulted many District Boards and Municipalities the bulk of which had also expressed themselves in favour of it. And even though the others did not definitely express themselves in favour, the fact that no protests had been received from them showed that the State as a whole was in favour of the proposed legislation.

There seemed to be an impression in certain quarters that the proposed Bill contained provisions some of which would cause hardship to the concerned people, especially in the matter of punishments. If that was the general opinion, he would certainly consider how far the provisions should be made less drastic and also in what other respects the Bill could be modified or improved so as to make it altogether acceptable. With this assurance he requested the Assembly to lend its unanimous support to the Bill. He was anxious to carry the Assembly with him and this explained why he did not rush to place the Bill before the Legislative Council even though the Government had permitted him to do so.

Thereupon the general principles of the Bill were put to vote and *passed* by a majority.

At this stage, the Assembly rose for the day to meet again at 12 of the clock the next day.

SIXTH DAY.

Thursday, 25th October 1934.

The House reassembled at 12 of the clock.

QUESTIONS AND ANSWERS.

Decennial Statement of Income and Expenditure of the Bhadravati Iron Works

MESSRS. MEER MAHOMED SAHEB (Minorities); HANJI BASAPPA (Tarikere Taluk) and M. SIDDALINGAPPA SETTY (Chikmagalur Taluk).—

Q.—38. Will the Government be pleased to state :—

(*a*) What are the income and expenditure of the Bhadravati Iron Works for the last ten years?

(*b*) Is it a fact that a special allowance is granted in the Iron Works area?

(*c*) Is it a fact that the office staff of the Iron Works are not paid their salary on the 1st of every month and that the Kemmangundi staff are not also paid their salary for 2 or 3 months?

THE SECRETARY TO GOVERNMENT, DEVELOPMENT DEPARTMENT.—

A.—38. (*a*) *Vide* statement below:—

Year	Income	Expenditure
1924-25 ...	9,76,434	18,00,236
1925-26 ...	10,74,011	14,99,077
1926-27 ...	16,44,681	19,59,296